IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH.

C.O.C.P. No. 1421 of 2005.
Date of Decision: November 22, 2006.

Nathi Devi & Ors.

....**Petitioner**

through
Mr. Ashwani Verma, Advocate

Versus

K.K.Khandelwal, IAS & Ors.

...**Respondents**
through
Mr. R.D.Sharma, DAG, Haryana.

CORAM:

HON'BLE MR. JUSTICE SURYA KANT.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

SURYA KANT,J.(ORAL)

The petitioners, who are working as part-time Sweepers, filed Civil Writ Petition No.11484 of 2002 which was disposed of on 13.10.2003 in terms of the order passed in CWP No.10925 of 2002. The latter writ petition was disposed of on the same day in terms of the decision rendered by this Court in CWP No.5926 of 2001 (**Vidya Devi & Ors. V State of Haryana & Ors.)**. As directed in the aforesaid writ petition, the respondents were obligated to consider the claim of the petitioners for regularisation of their services.

Alleging non-compliance of the afore-stated order, this contempt petition has been filed.

In response to the show cause notice, an affidavit has been filed

by K.K.Khandelwal, the then Commissioner and Director General School Education, Haryana, Chandigarh. In the preliminary submissions made in the said affidavit, it is stated that in compliance to the orders passed by this Court in **Vidya Devi's case (supra)**, a Committee headed by Deputy Secretary to consider the case of part-time workers in Education Department in the State of Haryana was constituted and it was decided that seniority list of the part-time workers should be prepared at district level and their services be regularised according to the available vacancies at the district level. In the case of the petitioners, it is stated that in District Fatehabad, to which they belong, there were 36 posts against which services of 36 employees including petitioner No.1 (Nathi Devi) have been regularised w.e.f. 3.7.2006. As regard to petitioners No. 2 to 4, it is stated that they are placed at Sr. Nos. 113,180 and 148 respectively in the seniority list and their services shall be regularised as per their seniority as and when vacant posts become available in Group "D" service.

Learned counsel for the petitioners, however, contends that there were several vacant posts in Group "D" in District Fatehabad which have been abolished by the authorities on the pretext that the same have remained unfilled for a period of more than two years.

Having regard to the scope of interference in these proceedings and with a view to ensure that no prejudice is caused to the claim of petitioners No. 2 to 4, for regularisation of their services, this petition is disposed of with liberty to them to impugn the speaking orders, passed in their cases whereby their claim for regularisation of services has been turned down for want of vacancies, before an appropriate forum, if so advised. Needless to say that while assailing those orders, the above named

petitioners shall also be entitled to assail the order, if any, vide which the vacant posts have been allegedly abolished in order to defeat their claim. Liberty is also granted to petitioner No.1 to stake claim for regularisation of her services from a date prior to the present date of her regularisation, before an appropriate forum, if so advised.

Disposed of.

Rule discharged.

November 22, 2006. **(SURYA KANT)**
dinesh **JUDGE**